

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**JANUARY 3, 2006**

The Tippecanoe County Commissioners met on Tuesday, January 3, 2006 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President KD Benson, Vice President John L. Knochel, and Member Ruth E. Shedd. Also present were: Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Benson called the meeting to order and led the Pledge of Allegiance.

***ELECTION OF OFFICERS***

Attorney Luhman called for nominations for President.

- Commissioner Shedd nominated John Knochel to serve as President for 2006, seconded by Commissioner Benson.
- Commissioner Benson moved to close the nominations, seconded by Commissioner Shedd; motion carried.
- The motion to elect John Knochel President carried.

Attorney Luhman called for nominations for Vice President.

- Commissioner Knochel nominated Ruth Shedd to serve as Vice President for 2006, seconded by Commissioner Benson.
- Commissioner Knochel moved to close the nominations, seconded by Commissioner Benson; motion carried.
- The motion to elect Ruth Shedd Vice President carried.

President Knochel expressed his appreciation to Commissioner Benson for her year as President. He said she was very thorough and articulate and did a very good job. Commissioner Shedd agreed.

President Knochel welcomed members of the Lafayette and West Lafayette City Councils who were present.

***APPROVAL OF MINUTES***

- Commissioner Shedd moved to approve the Minutes of the December 19, 2005 and the December 28, 2005 Regular Meetings as distributed, seconded by Commissioner Benson; motion carried.

***RESOLUTION 2006-01-CM: Establish Regular Meeting Dates***

Resolution 2006-01-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to approve Resolution 2006-01-CM, seconded by Commissioner Benson; motion carried.

***RESOLUTION 2006-02-CM: Appointments***

Resolution 2006-02-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to approve Resolution 2006-02-CM, seconded by Commissioner Benson.

Attorney Luhman read Exhibit A that lists the 2006 appointed department heads and Exhibit B that lists the 2006 appointments of the Commissioners to various boards and commissions.

- The motion to approve Resolution 2006-02-CM carried.

***RESOLUTION 2006-03-CM: Amends Cum Cap Tax Improvement Plan***

Resolution 2006-03-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Attorney Luhman summarized the Resolution:

New Project:

Project WW:	Capital Outlay Expenditures for 2006	<b>\$947,785</b>
MITs	Document/workflow mgmt project	\$10,000
	CADD software	\$3,000
	PC Replacement/new (33)	\$26,000
	LCD upgrades (60)	\$24,000
	Signature Pads	\$800
	Batteries for UPS	\$5,000
	Wireless from Sheriff to TCCC	\$5,000
	SAN project	\$50,000
	Tippecanoe Room wireless presentation	\$20,000
	Fiber to Sheriff	\$75,000
	Fiber/switches for TCOB off sites	\$25,000
Sheriff	Reseal parking lot	\$6,800
Maintenance	Steps north side of Courthouse	\$6,300
	Landing west side of Courthouse	\$4,600
	Sidewalk SW & NW of Courthouse	\$2,800
Fairgrounds	Truck w/bed, snowplow	\$24,800
Parks	Truck (2)	\$13,000
Surveyor	Truck	\$25,000
Sheriff	Vehicles (9)	\$199,541
	Light bard (8)	\$16,398
Public Defender	Docuware scanner	\$7,694
	Workstations for new positions (3)	\$2,525
Fairgrounds	Lawn tractor	\$8,450
Park	Bobcat skid steer loader	\$23,000
Maintenance	Equipment replacement	\$10,000
APC	Tablet PC for field work	\$460
Surveyor	GPS Upgrade	\$30,000
MITs	Tax/Assess/Permits software	\$75,000

Treasurer	Tellerscan machines (“check21”) (3)	\$2,100
APC	updates (3)	\$448
Sheriff	Radios (20)	\$86,360
Superior 5	Sound system upgrade	\$7,500
Circuit	Sound system upgrade	\$14,561
Magistrate	Sound system upgrade	\$1,300
Villa	Ice Dispenser (tabletop)	\$1,613
Sheriff	Dishwasher	\$13,000
Cary Home	Roof replacement (kitchen)	\$5,500
TCCC/Maint	Repair exterior/interior	\$30,000
Sheriff	Purdue firing range	\$10,000
Maintenance	Re-carpet areas of CH & TCOB	\$18,760
	Contingency for boilers/AC CH & TCOB	\$50,000
TCCC/Maint	Tile carpeted hallway	\$3,285
	Tile book-in area	\$2,000
	Concrete sealer for dayroom	\$1,200

Additional Funding for Existing Projects:

Project D:	Fairground Improvements	\$55,000
Project HH:	Grant Contingency funds	\$15,000
Projects G, K, N, R, AA, & KK:		
	Facility Maintenance and cleaning supplies funds for the Courthouse, County Office Building, and 629 Building	\$216,850
Project OO:	Copier Leases and Maintenance	\$130,000
Project NN:	Purdue Firing Range	\$10,000
Project II:	Part-time salaries, special projects	\$16,148
Project JJ:	MIT System Admin/Operator salary/benefits	\$164,102
Project JJ/T:	MIT Software Maintenance	\$235,296
Project JJ/T:	MIT Telephone Maintenance	\$20,500
Project JJ/T:	MIT Hardware Maintenance	\$75,000
Project JJ/T:	MIT Internet Access	\$12,000

- Commissioner Shedd moved to approve Resolution 2006-03-CM, seconded by Commissioner Benson; motion carried.

***RESOLUTION 2006-05-CM: Amends EDIT Capital Improvement Plan***

Resolution 2006-05-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor’s Office.

Attorney Luhman summarized the Resolution:

New Projects:

Project 50:	Economic Development Travel & Training	\$13,500
Project 51:	County Employee Training and Certification	\$15,000
Project 52:	Leadership Lafayette Class Sponsorship	\$12,000
Project 53:	Self-insured Liability Fund	\$180,000
Project 54:	Environmental Services Response Fund	\$1,000

Additional Funding for Existing Projects:

Project 3:	Surveyor's Department/Section Corner Markers	\$203,722
Project 20:	General Drain Improvements/Stormwater Assessment	\$1,000,000
Project 38:	Grant Coordinator & WQE positions salary/benefits	\$97,480
Project 28:	Vision 2020	\$10,000
Project 27:	Hoosier Heartland	\$10,000
Project 19:	Laf-W. Laf. Econ. Dev. Corp. (Formerly GLPI)	\$50,000
Project 39:	Wabash River Parkway Commission	\$3,000
Project 40:	Grant Contingency Funds	\$15,000
Project 2 & 24:	Debt Service/Interest Courthouse/Garage Bonds	\$1,788,268
Project 7:	Warning Sirens	\$2,000
Project 4:	Ambulances	\$75,000
Project 42:	Funding reserve for Youth Facility	\$500,000
Project 43:	Economic Development Incentive Funds	\$200,000
Project 6:	GIS Salaries & Supplies (incl. ½ MITS Dir. Salary)	\$247,100
Project 48:	Professional Services-Regional Sewer Districts	\$20,000

- Commissioner Shedd moved to approve Resolution 2006-05-CM, seconded by Commissioner Benson; motion carried.

***CONTRACT: Legal Services: Hoffman, Luhman, & Masson***

The amounts for this 2006 contract for legal services are \$150 per hour for all services rendered by David W. Luhman and Douglas J. Masson, \$125 per hour for services rendered by associates of the firm and \$50 per hour for paralegals.

- Commissioner Shedd moved to approve the Contract for Legal Services with Hoffman, Luhman, & Masson for 2006, seconded by Commissioner Benson; motion carried.

***HIGHWAY: Executive Director Opal Kuhl***

**Change Order #6: South River Road, Ph II**

Ms Kuhl said the regrade of the area on the West side of 350 W was an additional \$1,139.42 and the regrade of the yard area NW of Bridge #95 added \$3,211.96 for a total additional amount of \$4,351.38.

- Commissioner Shedd moved to Change Order #6 for South River Rd., Ph II, seconded by Commissioner Benson; motion carried.

**Utility Agreement: Tipmont REMC, Inc.**

Ms Kuhl requested approval of this Agreement with Tipmont REMC to relocate their utility poles within the right-of-way. Relocation is necessary due to County Bridge #52 Project on 150 E (S 18<sup>th</sup>) over Wea Creek just north of 510 S.

- Commissioner Shedd moved to approve the Utility Agreement with Tipmont REMC, Inc., seconded by Commissioner Benson; motion carried.

***SUBDIVISION VARIANCE: S-3790-Orchard SD, Ph 3, Sec 1: Komark Development Company***

1. A variance to eliminate two required 100-ft. tangents between reverse curves on Court A.
2. A variance to reduce the required pavement width from 30-ft to 28-ft. (measured from back of curb to back of curb) for Courts A, B and C.

Surveyor Paul Coutts, C & S Engineering, requested the variance to eliminate two 100-ft tangents between reverse curves on Court A on behalf of Komark Development. He said Court A is a short, winding cul-de-sac with the rear of the lots along a small tributary on the south side associated with the flood plain. To get depth to the lots, they installed three (3) curves with no tangent between them. Because it is such a short cul-de-sac, they are requesting a variance from the subdivision ordinance requirement of 100-ft tangents.

David Kovich, Komark Development, requested a variance to continue the 28-ft width on the side streets in phase 3 as allowed in phases 1 and 2 of the subdivision. He said there have been no complaints regarding the reduced width and there is very little on-street parking because the houses have long drives and most have 3 car garages. Scarlett Dr., the main collector, will remain at the 30-ft width.

Mike Spencer, Highway Assistant Director, expressed no objections to the two variance requests.

- Commissioner Shedd moved to approve the two variances for Orchard SD, Ph 3, Sec 1, seconded by Commissioner Benson; motion carried.

***AGREEMENT: Westlaw: Public Defender***

Attorney Luhman explained the Public Defender is requesting approval of the Westlaw On-line Service Agreement and three (3) subscriptions to specialized periodicals that cannot be accessed from another source.

- Commissioner Shedd moved to approve the Westlaw Agreement, seconded by Commissioner Benson; motion carried.

***NEW BUSINESS***

**County-wide Noticing of Smoking & Non-Smoking Restaurants & Bars**

Present were: Lafayette City Councilmen Jack Rhoda and Lon Heide, West Lafayette City Councilman Patti O'Callaghan, former Lafayette City Councilman Norb Fisher, and Health Department Executive Assistant Ron Cripe.

Mr. Rhoda requested the Commissioners' approval for County-wide implementation of a notice on the main entrance to restaurants and bars to identify them as smoking and non-smoking facilities. He said this is in response to letters he and his fellow Councilmen have received regarding the dangers of second-hand smoke. Mr. Rhoda thinks such a notice will be business friendly because it will allow the owner to operate as the market demands as well as give consumers a choice of which establishments to patronize and employees a choice of where to work. He asked the Commissioners to pursue this with the Health Department who can enforce the required posting on the main entrance during their regular inspections. Mr. Rhoda also asked West Lafayette to delay the second reading on their proposed smoking ban in all West Lafayette businesses until a County-wide ordinance can be prepared by the Health Department. He said the posting will allow smokers to pick smoking restaurants or ones that have smoking sections and the ordinance will provide the County with a process to regulate compliance.

Mr. Cripe said he briefly discussed this issue with the Health Officer, Dr. Michael Bolin, and the Health Department's Attorney, Randy Vonderheide. He said the idea of posting a notice on the main entrance would not be labor intensive and would give the Health Department the opportunity to capitalize on an opportunity to educate the public, as well as the establishments, on the health risks of second-hand smoke. He said he will talk to Dr. Bolin and Mr. Vonderheide about drafting a County-wide ordinance to take to the Board of Health for endorsement at their meeting in late January before bringing to the Commissioners.

Commissioner Benson verified with Attorney Luhman that, if a County-wide ordinance from the Health Department were approved, the City Councils of Lafayette and West Lafayette would not need to act.

Ms O'Callaghan said a smoking ban is more effective for citizens. West Lafayette has done thorough research so she'd like to continue on their timeline with a vote on second reading on January 9, 2006. She pointed out that West Lafayette's ordinance is a work place ban, not just a ban for restaurants and bars. She acknowledged that enforcement of the ordinance has not been worked out.

Commissioner Benson said she thinks Mr. Rhoda's suggestion is an appealing compromise to give restaurant and bar patrons a choice.

Commissioner Shedd said this is a good start but, since she is not convinced this is the way to go, she thinks the Commissioners should hold public hearings to get the public's input. She would like restaurant owners to take the lead to protect their workers and patrons.

President Knochel asked Mr. Cripe to work with the Health Department's attorney to draft an ordinance to present to the Commissioners. Commissioner Benson asked Mr. Cripe and the Health Department to work with Mr. Rhoda and the Lafayette City Council when drafting the ordinance to include their input.

### ***UNFINISHED BUSINESS***

#### **Amendment to Grant/Cooperative Agreement: Rational Speed Study: Highway Executive Director Opal Kuhl**

Ms Kuhl explained this Amendment will extend the completion date of the Rational Speed Study from January 4, 2006 to May 4, 2006 at no additional cost.

- Commissioner Shedd moved to ratify the extension of the Rational Speed Study Grant, seconded by Commissioner Benson; motion carried.

#### **Uniform Conflict of Interest Disclosure Statement: Court Services Director Cindy Houseman**

Attorney Luhman explained that Mrs. Houseman submitted her Uniform Conflict of Interest Disclosure Statement for the Commissioners' approval so she can teach a "Theft Talks" Class. He said six (6) classes will be held one Saturday a month at a cost of \$25 per client per session. With an estimated 12 clients, Mrs. Houseman will earn approximately \$1,800. The classes will not be part of her regular job duties and she will make no referrals.

Commissioner Benson said she would like the supervising judge to also approve this Disclosure Statement.

- Commissioner Shedd moved to return the Uniform Conflict of Interest Disclosure Statement to Cindy Houseman with the request that she submit it to her supervising judge for a recommendation to the Commissioners, seconded by Commissioner Benson; motion carried.

***VILLA APPOINTMENTS***

- Commissioner Shedd moved to approve applications to Tippecanoe Villa from Cynthia Lee Buchanan, Paul Rothermel, and Debbie S. Mitchell, seconded by Commissioner Benson; motion carried.

***REPORTS***

Minutes from the Park & Recreation Board and a report from Tippecanoe County Library are on file in the Commissioners' Office for review.

***PUBLIC COMMENT***

None.

***ADJOURNMENT***

- Commissioner Shedd moved to adjourn, seconded by Commissioner Benson; motion carried.

**BOARD OF COMMISSIONERS OF  
THE COUNTY OF TIPPECANOE**

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John L. Knochel, President

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Ruth E. Shedd, Vice President

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KD Benson, Member

**ATTEST:**

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Robert A. Plantenga, Auditor